

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**CHRISTOPHER W. WEBB,**

Petitioner,

v.

**JOE ALLBAUGH, Department  
of Corrections Interim Director,**

Respondent.

**No. CIV 13-065-JHP-KEW**

**OPINION AND ORDER**


Petitioner's habeas corpus action was dismissed on April 15, 2016 (Dkt. 19). On May 23, 2016, he filed a notice of intent to appeal to the Tenth Circuit Court of Appeals. (Dkt. 20). He alleges he sent his original notice of intent to appeal on April 25, 2016, but he received no response from this court. *Id.* at 1. This court has no record of the alleged original notice of intent to appeal, and Plaintiff has not provided documentation that the notice was mailed on April 25, 2016.

On May 24, 2016, the Tenth Circuit entered an Order directing Petitioner to "file a memorandum brief addressing whether he can establish timely filing of the notice of appeal . . . ." *Webb v. Allbaugh*, No. 16-7040, slip op. at 2 (10th Cir. May 24, 2016). Plaintiff was advised that "the district court may grant extension of time to file notice of appeal *or* reopen the time to appeal under certain circumstances." *Id.* (citing Fed. R. App. P. 4(a)(5) & (6)) (emphasis in original). On June 8, 2016, Plaintiff filed a motion for extension of time to file a notice of appeal or to reopen the time to appeal.

**ACCORDINGLY**, Plaintiff is directed to provide to this Court within fourteen (14)

days a copy of his facility's outgoing mail log for the date he claims he mailed his original notice of intent to appeal.

**IT IS SO ORDERED** this 9th day of June 2016.



James H. Payne  
United States District Judge  
Eastern District of Oklahoma